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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 5th March, 1976/Phalguna 15, 1897 (Saka)

The following President's Act is published for general information:—

THE NAGALAND EVICTION OF PERSONS IN UNAUTHORISED OCCUPATION OF PUBLIC LAND (AMENDMENT) ACT, 1976

NO. 1 OF 1976

Enacted by the President in the Twenty-seventh Year of the Republic of India.

An Act further to amend the Nagaland Eviction of Persons in Unauthorised Occupation of Public Land Act, 1971.

In exercise of the powers conferred by section 3 of the Nagaland State Legislature (Delegation of Powers) Act, 1975, the President is pleased to enact as follows:— 31 of 1975.

1. (*1*) This Act may be called the Nagaland Eviction of Persons in Unauthorised Occupation of Public Land (Amendment) Act, 1976. Short title and commencement.

(*2*) It shall come into force at once.

2. In section 12 of the Nagaland Eviction of Persons in Unauthorised Occupation of Public Land Act, 1971 (hereinafter referred to as the principal Act), Nagaland Act 6 of 1971. Amendment of section 12.

(*i*) in sub-section (*1*), after the words "the Commissioner of the State of Nagaland", the words "or in any case or class of cases specified by the Commissioner in this behalf, the Additional Commissioner of the State of Nagaland" shall be inserted;

(*ii*) after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) Without prejudice to the provisions of sub-section (*1*), the Commissioner of the State of Nagaland may, for reasons to be recorded by him in writing, transfer any appeal pending before him to the Additional Commissioner of the State of Nagaland who shall dispose of the appeal as an appellate officer under this section.".

Amendment of section 13.

3. In section 13 of the principal Act, after the words "the Commissioner", the words ", or the Additional Commissioner," shall be inserted.

Fakhruddin Ali Ahmed,

President.

K. K. SUNDARAM,

Secy. to the Govt. of India.

Reasons for the enactment

Under section 12 of the Nagaland Eviction of Persons in Unauthorised Occupation of Public Land Act, 1971 (Nagaland Act 6 of 1971), an appeal shall lie from every order made by the Deputy Commissioner under sub-section (1) of section 6 or under section 7 of the Act in respect of any public land, to an appellate officer, who shall be the Commissioner of the State of Nagaland. A contingency has arisen under which an appeal preferred against the order of the Deputy Commissioner (Eviction) cannot be heard by the Commissioner as he had sworn an affidavit at an earlier stage of the case in his capacity as Secretary (Home), Nagaland. The appeal has, therefore, to be heard by any officer other than the present Commissioner. It is, therefore, proposed to amend the above Act to specify the Additional Commissioner of the State of Nagaland also as an appellate officer and to give power to the Commissioner to transfer any appeal pending before him to the Additional Commissioner of the State of Nagaland. This measure seeks to give effect to the above proposal.

2. The Consultative Committee of Parliament constituted under the proviso to sub-section (2) of section 3 of the Nagaland State Legislature (Delegation of Powers) Act, 1975 (31 of 1975) has been consulted before the enactment of this measure as a President's Act.

N. J. KAMATH,
Secy. to the Govt. of India,
Ministry of Works and Housing.

ERRATUM

In the Ministry of Law, Justice and Company Affairs (Legislative Department) Act, "The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Act, 1976 (No. 20 of 1976)" published in the Gazette of India Extraordinary, Part II—Section 1, dated the 9th February 1976, the following correction is to be made in the Issue No. :—

For "No. 26" *read* "No. 24".

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